

10/593951 PCT/TO 22 SEP 2006

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

16850-002US1

U.S. APPLICATION NO. (If known, see 35 C.F.R. 1.5)

10/593951

INTERNATIONAL APPLICATION NO.
PCT/CA2005/000312

INTERNATIONAL FILING DATE
March 2, 2005

PRIORITY DATE CLAIMED
April 12, 2004

TITLE OF INVENTION
Microbial Growth Assay

APPLICANT(S) FOR DO/EO/US
Douglas Storey, Tyler Field and Gordon Ramage

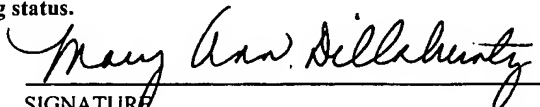
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (Unsigned)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 C.F.R. 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. ☒ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
Check for \$150.00

CERTIFICATE OF MAILING BY EXPRESS MAIL
Express Mail Label No. EV 744616501 US
Date of Deposit: September 22, 2006

| | | | | | |
|---|--------------|---|---------|--|--------|
| U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/593951 | | INTERNATIONAL APPLICATION NO. PCT/CA2005/000312 | | ATTORNEY'S DOCKET NUMBER 16850-002US1 | |
| The following fees have been submitted | | | | CALCULATIONS PTO USE ONLY | |
| 21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... | | | | \$300 | |
| 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200 | | | | \$0.00 | |
| 23. <input type="checkbox"/> Search fee If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500 | | | | \$0.00 | |
| Total of 21, 22 and 23 = | | | | \$300.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| -100 = | /50 = | | X \$250 | \$0.00 | |
| Surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(h)). | | | | \$0.00 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total Claims | - 20 = | | x \$50 | \$0.00 | |
| Independent Claims | - 3 = | | x \$200 | \$0.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$360 | \$0.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$300.00 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 C.F.R. 1.27. Fees above are reduced by 1/2. | | | | \$150.00 | |
| SUBTOTAL = | | | | \$150.00 | |
| Processing fee of \$130 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(i)) | | | | \$0.00 | |
| TOTAL NATIONAL FEE = | | | | \$150.00 | |
| Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property | | | | \$0.00 | |
| TOTAL FEES ENCLOSED = | | | | \$150.00 | |
| | | | | Amount to be refunded: | \$0.00 |
| | | | | Amount to be charged: | \$0.00 |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$150.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 06-1050 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> | | | | | |
| <p>NOTE: Where an appropriate time limit under 37 C.F.R. 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the International Application to pending status.</p> | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | | | |
| PTO Customer No: | | 26181 | | | |
| | |  SIGNATURE | | | |
| | | NAME Mary Ann Dillahuntz | | | |
| | | 34,576 REGISTRATION NUMBER | | | |